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By: Nancy RamosPrinted: Nancy Ramos

jc986 U.S. PTO
09/782390
02/12/01



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)**

Commissioner for Patents
Box Patent Application
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No.08/812,824, filed on March 6, 1997, entitled HUMAN TUBBY HOMOLOG.

1. Enclosed is a specification corresponding to the prior application, U. S. Application Serial No.08/812,824 filed March 6, 1997, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
2. With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/812,824, filed March 6, 1997, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/812,824 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. Cancel in this application original claims 22-39 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
4. The inventor(s) of the invention being claimed in this application is (are): Samuel T. Labrie, Preeti Lal, and Lynn E. Murry.
5. In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signatures as filed on August 13, 1997 is enclosed.

6. Amend the specification by inserting after the title: "This application is a divisional application of U.S. application serial number 08/812,824, filed March 6, 1997 , all of which applications and patents are hereby incorporated herein by reference."

7. The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate	Fee	Basic Fee
Total Claims	21	-20	1	x \$18	18	\$18.00
Indep. Claims	3	-3	0	x \$80	0	\$0
<u>— Multiple Dependent Claim(s), if any</u>					+ \$270	\$

TOTAL FILING FEE \$ 728.00

8. An extension of time in the above-named prior application has been requested and the fees therefore have been authorized in said application.

9. Please charge Deposit Account No. 09-0108 in the amount of \$ 728.00 .

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account No. 09-0108.

A **duplicate** copy of this Request is enclosed.

10. New formal drawings are enclosed.

11. The prior application is assigned of record to Incyte Pharmaceuticals, Inc, recorded on August 18, 1997, at reel 8689/frame 0551.

12. A preliminary amendment is enclosed.

13. Also enclosed Information Disclosure Statement and List of References Cited by Applicants.

14. The power of attorney of the prior application is to:

Lucy J. Billings	Reg. No. 36,749
Michael C. Cerrone	Reg. No. 39,132
Diana Hamlet-Cox	Reg. No. 33,302
Richard C. Ekstrom	Reg. No. 37,027
Barrie D. Greene	Reg. No. 46,740
Matthew R. Kaser	Reg. No. 44,817
Lynn E. Murry	Reg. No. 42,918
Shirley A. Recipon	Reg. No. 47,016
Susan K. Sather	Reg. No. 44,316
Michelle M. Stempien	Reg. No. 41,327
David G. Streeter	Reg. No. 43,168
Stephen Todd	Reg. No. 47,139
Christopher Turner	Reg. No. 45,167
Peng Ben Wang	Reg. No. 41,420

- a. A copy of a Certificate Under 3.73(b), Revocation of Power of Attorney and Appointment of New Attorney is attached.
- b. Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. Address all future correspondence to:

INCYTE GENOMICS, INC.
PATENT DEPARTMENT
3160 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 12 February 2001

By:



Richard C. Ekstrom

Reg. No. 37,027

Direct Dial Telephone: (650) 843-7352

Date: 12, February 2001

By:



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- Inventor(s)
- Assignee of complete interest
- Attorney or agent of record
- Filed under 37 CFR 1.34(a)
Registration number if acting under 37 CFR 1.34(a) _____.